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February 23, 2000

VIA HAND DELIVERY

Magalie Roman Salas.
Secretary
Federal Communications Commission
445 12th Street, SW
TW-A325
Washington, D.C. 20554

Re: Comments of Telecommunications for the Deaf, Inc.; MM Docket No. 99-339

Dear Ms. Salas:

Enclosed for filing in the above referenced docket please find an original and six (6) copies of the Comments of Telecommunications for the Deaf, Inc.

Please acknowledge receipt by date-stamping the enclosed extra copy of this filing and returning it to me in the envelope provided. If you have any questions regarding this filing please contact me at (202) 295-8338.

Sincerely,



Michael J. Mendelson

Enclosures

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of

MM Docket No. 99.339

Implementation of
Video Description of
Video Programming

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF INC.

Telecommunications for the Deaf, Inc., ("TDI") by undersigned counsel, respectfully submits these comments to the Federal Communications Commission's ("Commission's") above-captioned Notice of Proposed Rulemaking regarding the Implementation of Video Description of Video Programming.

TDI is a national consumer organization that seeks to represent the interest of the twenty nine million Americans who are deaf, hard of hearing, late deafened and deaf-blind. TDI's mission is to promote equal access in telecommunications and media for the aforementioned constituency groups through consumer education and involvement, technical assistance and consulting, application of existing and emerging technologies, networking and collaboration, uniformity of standards, and national policy development and advocacy.

I. INTRODUCTION

TDI commends the Commission for the much needed proposed steps outlined in the Implementation of Video Description Video Description Notice of Proposed Rulemaking ("NPRM"). While the limited steps proposed by the Commission, if implemented, would be a significant step forward in providing telecommunications access for the millions of Americans with disabilities, the

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proposed rules fall far short of the mark. Although the Commission has previously conducted inquiries on video description, "the availability of video description has not meaningfully improved during the past several years."¹ Given this lack of meaningful improvement over the past five years, it is necessary that the Commission require all video program providers, digital as well as analog, to provide video description. The Commission's proposed rules should be applicable to both analog and digital broadcasters. There is no technical or financial reason to limit applicability of the proposed rules to analog broadcasters. TDI urges the Commission to make the proposed rules applicable to both digital and analog broadcasters.

There is also no need for an extended phase-in period of 18 months because "the technology and methodology of video description have existed for years and can be easily imported to programming development."²

II. THE COMMISSION'S PROPOSED RULES SHOULD APPLY TO BOTH ANALOG AND DIGITAL BROADCASTERS.

There is no reason, technical or financial, to limit applicability of the Commission's proposed rules to analog broadcasters. Digital broadcasters may in fact have fewer issues to address than analog broadcasters. The Commission has adopted major elements of the Advanced Television Systems Committee's ("ATSC") proposal for Advanced TV. The ATSC standard allows the provision of ancillary audio without a separate Secondary Audio Programming ("SAP") channel or SAP-like channel to the home. All audio, video and ancillary data will be transmitted as part of the same digital signal. Furthermore there are no prohibitive costs specific to digital technology

¹ In the Matter of Implementation of Video Description of Video Programming, MM Docket No. 99-339, *Notice of Proposed Rulemaking*, ¶13 (Released Nov. 18, 1999) ("NPRM").

² Comments of the American Council for the Blind.

associated with applying the Commission's proposed rules to digital broadcasters. Embedding the descriptive narrative in a digital signal will not add any additional complexity or expense to the existing digital audio production process.³

TDI joins the American Council for the Blind ("ACB") in applauding "the clear intent of the Commission to insure that the transition from analog to digital be made deliberately and consistent with a solid approach."⁴ However, the potential harm to deaf, deaf-blind, late-deafened, and hard of hearing consumers that may result from failing to make the proposed rules applicable to both analog and digital broadcasters is too great to ignore. Unless the Commission's proposed rules are made applicable to digital broadcasters, the technical standards currently being developed may fail to make adequate, if any, provision for video description. As a consequence, by limiting applicability to analog broadcasters, the Commission will have failed in its ultimate goal of ensuring access for the millions of Americans who are the primary benefactors of the Commission's proposed rules.

III. PROGRAM DISTRIBUTORS SHOULD BE RESPONSIBLE FOR VIDEO DESCRIPTION.

TDI agrees with the Commission that program distributors should be held responsible for implementation of video description of video programming.⁵ Holding distributors responsible is clearly within the Commission's authority. In contrast, the Commission's authority to hold producers accountable is arguably questionable. Consequently, holding producers accountable could

³ Telephone Interview with Larry Goldberg, Director, CPB-WGBH National Center Accessible Media. (February 22, 2000) (*Goldberg Interview*).

⁴ See ACB comments.

⁵ *NPRM* at §23.

potentially lead to lengthy litigation over the question of the Commission's jurisdiction. Regardless of the outcome of any such litigation, the end result would be further delay in the provisioning of video description of video programming.

IV. SEVENTY-FIVE PERCENT (75%) OF COMMISSION MANDATED VIDEO DESCRIPTION SHOULD BE DESCRIPTIONS OF PRIME TIME PROGRAMMING.

TDI encourages the Commission to mandate video description of all programming as soon as possible. The Commission's proposal that distributors provide a minimum of 50 hours of described programming per quarter, is an adequate beginning. The Commission should further mandate that seventy-five percent (75%) of Commission mandated video description should be descriptions of prime time programming. Given the significant level of isolation of the millions of Americans that the Commission's proposed rules is intended to benefit, it is imperative that the Commission draft its rules in order that the largest number of people may benefit within the shortest period of time.

V. CONSIDERATION MUST BE GIVEN TO TELEVISION ACCESSIBILITY FOR INDIVIDUALS WHO ARE PROFOUNDLY DEAF-BLIND

TDI appreciates the Commission's sensitivity and commitment to addressing the needs of individuals with vision disabilities with proposed rules for video description services. However, full and equal commitment must be made by the Commission to addressing the needs of a special constituency group across America that would not benefit entirely from either captioning or video description of video programming. There are deaf-blind individuals who can neither see captions on the television, nor hear the video descriptions from the television. TDI strongly recommends that the Commission issue a NOI or NPRM to address this accessibility issue before any formal decision is made on the proposed rules on video description services.

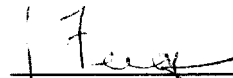
While TDI prefers to defer the specifics of how accessibility can be achieved for informational needs of individuals with profound deaf-blindness to officers and members of the American Association of the Deaf-blind (“AADB”), TDI would like to propose two options, subject to input from the AADB. First, TDI suggests, that the Commission, the AADB, the manufacturing industry and the television industry meet and address the accessibility requirements that would enable deaf-blind individuals to enjoy televisions programming. Second, TDI knows that technology exists that can accommodate the individual who is totally deaf-blind, allowing the deaf-blind to receive braille input on both the conversational aspects of video programming.⁶ The television caption system can be input into a braille device. Just as video description is provided during the natural pauses in the program dialogue, video description over a braille device can be provided in the same manner. The ready availability of such an empowering access tool would have a substantial positive impact on this special constituency group’s standard of living, as well as improving future opportunities in education, employment, rehabilitation, and other life activities.

6 Telephone Interview with Jim Belanich, Helen Keller Center New York (February 17, 2000).

VI. SUMMARY

For the Commission's consideration, TDI respectfully submits these comments in the above-captioned proceeding.

Respectfully submitted,



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Dated: February 23, 2000